

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan HR/01A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

4. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

5. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

6. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

8. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

9. Before the building hereby permitted is occupied the proposed window(s) in the ground and first floor elevation facing east and west shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

10. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority . No additional windows to be placed in the east and west flanks

Reason:

To Safeguard the privacy and amenities of occupiers of adjoining residential properties.

11. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

12. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

13. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

14. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E and F of Part 1 to Schedule 2 of that Order shall be carried out within the area of the proposed new dwellings hereby approved without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

16. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

17. No development shall take place until details of a construction management plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Location of materials storage and site accommodation
 - Schedule of works including likely timescales
 - Details of the hours of delivery/collection of materials to and from the site

- Details of contractor parking

The construction shall be carried out in accordance with the details as approved.

Reason:

To safeguard residential amenity and ensure a satisfactory appearance to the site during construction works

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D5, D11, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1, IMP2

Core Strategy (Adoption version) 2012: CS NPPF, CS1, CS5, CS15

Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM04, DM17.

ii) The proposal is acceptable for the following reason(s): -

The proposed development would not have a significantly detrimental impact upon the amenities of neighbouring occupiers nor upon the character or appearance of the built environment in this area. The proposed parking is in accordance with the parking standards.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £9,324.00.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal

website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

3. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
4. The applicant is advised that Fire appliances require access to a point that is within 45 metres of suitable entrance to any dwelling (Fire Safety Guidance Number 29 – Access for Fire Appliances). Part of the proposed development is located outside the recommended distance from Hampden Road. Emergency Services should be contacted to ensure that access arrangements are adequate.

RECOMMENDATION III

That if an agreement has not been completed by 02/11/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application B/00743/12 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Planning Document- Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries and Supplementary Planning Document- Contributions to Health Facilities and policies CS10, CS11, CS15 and DM13 of Barnet's Local Plan (Adoption Version) 2012.

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D5, D11, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1, IMP2

Supplementary Planning Document: Planning Obligations;

Supplementary Planning Document: Contributions to Education;

Supplementary Planning Document: Contributions to Libraries;

Supplementary Planning Document: Contributions to Healthcare Facilities from Development

Supplementary Planning Document: Sustainable Design and Construction

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5, CS15

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM04, DM17.

Relevant Planning History:

Site Address: Land off Hampden Road, London, N10 2HP
Application Number: 01412/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/06/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Renewal of application N13371G/06 for an erection of 2no. 3 bedroom houses with ancillary parking and landscaping.**
Case Officer: Lisa Cheung

Site Address: Land off Hampden Road London N10
Application Number: N13371A/03
Application Type: Full Application
Decision: Refuse
Decision Date: 19/08/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of extension to existing building and conversion into 4no. self-contained residential units and erection of 2no.chalet style bungalows with integral garages and associated changes to landscaping.**

Site Address: Land off Hampden Road London N10
Application Number: N13371D/05
Application Type: Conditions Application
Decision: Approve with conditions
Decision Date: 14/09/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of reserved matters (design of the buildings and landscaping), materials and refuse storage pursuant to Conditions 1, 6 and 11 of planning permission N13371/02 dated 13.01.03.**

Site Address: Land off Hampden Road London N10
Application Number: N13371/02
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/01/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of 2no. chalet-style bungalows with associated car-parking and landscaping (OUTLINE).**

Site Address: Land off Hampden Road Muswell Hill London N10
Application Number: N13371C/04
Application Type: Full Application
Decision: Refuse
Decision Date: 12/08/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of three single storey (plus mansard) terrace dwellings with ancillary parking and landscaping.**
Case Officer: James Rodger

Site Address: Land off Hampden Road Muswell Hill London N10
Application Number: N13371B/03
Application Type: Full Application

Decision: Refuse
Decision Date: 23/12/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing building and erection of four single-storey (plus mansard) terraced dwellings with ancillary parking and landscaping.**

Site Address: Land off Hampden Road London N10 2HP
Application Number: N13371G/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 17/08/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 2No. 3 bedroom houses with ancillary parking and landscaping.**

Site Address: Land Off Hampden Road, to the rear of Hampden Court, London, N10 2HP
Application Number: B/04366/10
Application Type: Full Application
Decision: Refuse
Decision Date: 8/11/2011
Appeal Decision: Dismissed
Appeal Decision Date: 8/11/2011
Proposal: **Erection of a two storey residential block consisting of 6no. two bedroom flats with off-street parking and communal amenity space.**
Case Officer: Lisa Cheung

Site Address: Land to the rear of 53 Pembroke Road, London, N10 2HX
Application Number: B/01244/11
Application Type: Full Application
Decision: Refuse
Decision Date: 12/08/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use of part of the existing building on land to the rear of Hampden Court for the keeping of dogs.**
Case Officer: Lisa Cheung

Consultations and Views Expressed:

Neighbours Consulted: 97 Replies: 6
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Loss of light
- Loss of privacy
- Noise pollution
- Environmental pollution
- Intruders could access neighbouring properties far easier
- Overcrowding
- This will not bring any value to the community
- Dog breeding still continues on this land
- The owner is trying to make a profit on this bit of land
- Building would be oppressive
- Additional traffic
- Loss of many mature trees
- Overlooking

Internal /Other Consultations:

Highways - The proposal is for extension of time limit to implement permission reference B/01412/09 for erection of 2 no 3-bedroom houses with ancillary parking and landscaping.

The same comments to previously approved application N13371G/06, and subsequent renewal B/01412/09 apply to this application as no changes to the highways aspect of the development were made.

Recommend conditions.

Date of Site Notice: 01 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a triangular shaped area of land at the rear of properties along Pembroke Road, Hampden Road and Crown Road. Vehicular access to the plot of land is via an existing entrance which runs adjacent to 1-6 Hampden Court. There is an informal parking area to the rear of Hampden Court close to the application site which is for the residents of Hampden Court. Currently the site itself is overgrown and fly tipping is evident.

Proposal:

This application seeks permission to extend the time limit for implementing the previous planning approval given under planning reference B/01412/09 dated 29/06/2009. This application was for the erection of 2no. 3 bedroom houses with ancillary parking and landscaping. As indicated in the planning history section of the report, numerous applications have been submitted for the redevelopment of this site. The current proposal, for 2no 3 bedroom houses was first approved in 2006 under planning reference

A pair of two storey, semi detached single family dwellings are proposed in a north facing orientation facing the rear of Hampden Court. The east flank of the properties would run parallel to the rear boundary of gardens belonging to properties along Pembroke Road with a gap to 6m to the boundary. The footprint would be 10.8m in width and 11.4m in length with ground floor bay windows to the rear of the properties at 0.7m in depth. Ground floor raised bays are also proposed to the front elevation which would be 0.3m deep. The first floor element of the proposal would overhang the front of the ground floor by 1m creating a protective eave over the front doors to the properties.

A shallow hipped and pitched roof would rise from eaves of 5.7m in height to a ridge of 6.8m in height. A step would occur to the rear half of the property manifesting itself in a 0.5m drop to the rear roof slope.

Both properties would have three bedrooms and a bathroom at first floor level with a kitchen and living/dining area downstairs.

Parking for two vehicles would be provided on a hard surface to the front of the property. The proposal also includes the provision of additional parking to the rear of Hampden Court.

A fence would run to the rear of the proposed properties leaving the western property with 176 square metres and the eastern with 365 square metres of amenity space.

Access would be by way of the existing entrance to the rear of Hampden Court.

Planning Considerations:

This application needs to consider the following issues:

- The compliance of the proposed development with current policies
- Any changes in the area which may have a significant impact on the previous grant of permission

Proposed siting, character and appearance:

The principle of developing this site for residential purposes is considered acceptable. There have been little changes in planning policies and guidance since 2009 which would now suggest that the development of this site for residential purposes would be unacceptable. The previous applications are a material consideration when assessing this application.

It was previously considered that 2 houses of the size and siting proposed can be accommodated without causing significant harm to the amenities of neighbours or to the character of the area. The consideration of this proposal was made with reference to policies within the adopted London Borough of Barnet Unitary Development Plan 2006. This document is still relevant. Therefore the policies referred to in the previous application are considered relevant for the current application. However the emerging Core Strategy and Development Management Policies DPD also apply to this application.

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment. This proposal is considered to comply with this policy. The site itself goes largely unused and is now overgrown. It does not offer any positive contribution to the appearance of the site and whilst it may not be highly visible from the street, it is from neighbouring properties along Pembroke Road, Hampden Road and Crown Road. The site is considered large enough to accommodate the two dwellings proposed whilst allowing sufficient spacing for visual relief and meaningful landscaping.

As such the proposal would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and respect the character of the area, as required by UDP policy H16.

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.

The government consider that “there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the application complies with the above sections of the NPPF.

Amenity of future occupiers:

Both proposed units would provide adequate internal space to comply with policies H16 of the Adopted UDP (2006) as well as the Policy 3.5 (table 3.3) of the London Plan July 2011. Together with the likely impact of the development on the character of the host property and the street scene, the amenity of neighbouring occupiers and its relative proximity to bus routes and local services, those other material considerations are determined to demonstrate a positive level of sustainable development.

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Unitary Development Plan Policies D5 and H16 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

The development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies and Barnet's emerging Local Plan.

Adequate amount of amenity space would be provided in line with policy H18 within the UDP. The parking proposed is also in accordance with standards set out within the UDP. The existing vehicular access is narrow, however the proposed development is unlikely to result in a significant increase in the use of it.

Policy H17 relating to privacy standards has been met. There is a minimum distance of 21 m to facing windows to both the north and south and a distance of at least 10.5m to neighbouring gardens.

The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide two additional residential units that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £15,598.00 (at the time of determining this application) plus a monitoring fee of 5%.

Contributions to library services

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £488.00 (at the time of determining this application) plus a monitoring fee of 5%.

Contributions to Health facilities

The proposal would provide two additional residential units that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £3,364.00 (at the time of determining this application) and a monitoring fee of 5%.

The applicant is willing to pay the necessary contributions and a Unilateral Undertaking is currently being drafted (at the time of writing this report).

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly dealt with in the planning appraisal. However the following comments can be made:

- Noise during construction works is not a material planning consideration.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that the proposed development as previously approved would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

SITE LOCATION PLAN: Land off Hampden Road, N10 2HP

REFERENCE: B/00743/12



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